

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMASAMUEL R. GARDNER, AIS#107989Full name and prison number  
of plaintiff(s)

v.

LEON FORNISS, WARDEN of STAFONPRISON, DEPARTMENT of CORRECTIONS,ET AL.,Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

2007 DEC -5 A 9:51

DEBRA P. HACKETT, CLERK

U.S. CIVIL ACTION NO. 2:07-cv-1003-WKW

MIDDLE DISTRICT OF ALABAMA

(To be supplied by Clerk of

U.S. District Court)

## I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ) NO ( ☒ )
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ( ☒ ) NO ( )
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit:

Plaintiff(s) SAMUEL R. GARDNERDefendant(s) GWENDOLYN MOSLEY, WARDEN, EASTERLING  
PRISON

2. Court (if federal court, name the district; if state court, name the county) USDC MONTGOMERY, AL

3. Docket number UNKNOWN
4. Name of judge to whom case was assigned UNKNOWN
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) ALL dismissed
6. Approximate date of filing lawsuit SEVERAL, during CA. A.D. 2000-2005, ALL for NATIVE AMERICAN RIGHTS
7. Approximate date of disposition 2005?

II. PLACE OF PRESENT CONFINEMENT STATON CORRECTIONAL FACILITY  
P.O. Box 56, Highway 143 North, Elmore, AL 36025-0056

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED STATON  
CORRECTIONAL FACILITY, ADDRESS AS ABOVE.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>MR. LEON FORNISS, WARDEN, ABOVE ADDRESS, IN CONCERT WITH</u>	<u>DEPT. OF CORRECTIONS</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED Ongoing

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: THE APPLICATION OF PLAINTIFF'S FEDERAL VETERANS ADMINISTRATION LAWS ARE BEING BLOCKED BY DEFENDANTS.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

It is of record that plaintiff volunteered to do 3 tours of  
active combat duty in Vietnam, for which he was awarded 3 Purple  
Hearts, one Silver Star, and one Bronze Star; and a battlefield Officer's  
Commission as 2nd Lieutenant, with a subsequent Commission as 1st  
Lieutenant. // Due to Veterans Administration procedure, [see pg 3A, attached]

GROUND TWO: \_\_\_\_\_

SUPPORTING FACTS: \_\_\_\_\_

GROUND THREE: \_\_\_\_\_

SUPPORTING FACTS: \_\_\_\_\_

Pg. 3A

before plaintiff can receive the lawfully rendered financial entitlements, he must first receive a full medical examination at a Local Veterans Administration Hospital.

Alabama State prisoners are routinely transferred by van (etc.) to Montgomery, Birmingham, etc, hospitals for treatment by consultative physicians on contract.

Plaintiff has been refused permission for transit to the Local Veterans Administration Hospital for aforesaid required medical examination. (See Exhibit A, attached, by defendant Leon Forniss, who states therein that plaintiff will need a Court Order from this Hon. Court prior to said transit).

Plaintiff has been incarcerated for 34 years in service of a life sentence. A recent parole hearing shows the likelihood that plaintiff (now age 57) will remain in prison until death. Plaintiff waited until after said parole hearing to initiate this action, because parole would have obviated the necessity of a Court Order.

Plaintiff seeks no monetary compensation from this Hon. Court; but only seeks an Order enabling him to pursue his legitimate Veterans rights.

Alabama State prisons do not supply all necessities, such as postage stamps; pens; razors serviceable for tough whiskers (only soft whiskers); etc.. Plaintiff's Veterans entitlements will supply these and other needs, now in his old age.

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Pg. 3A

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

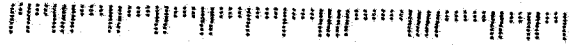
Satisfy defendant(s) requirement of a Court Order for  
A timely pre-arranged transit to Local Veterans Administration  
Medical Examination Department.

X Samuel R. Gardner  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on X Dec. 3-2007  
(Date)

X Samuel R. Gardner  
Signature of plaintiff(s)



36101+0711-11 B007

Clerk of the Court  
United States District Court  
P.O. Box 711  
Montgomery, AL 36101

9577  
Samuel R. Gardner A.I.S.#107989  
P.O. Box 56 Station C.F.  
Elmore, AL 36025-0056

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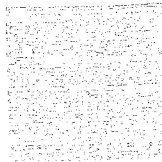


Exhibit A

## INMATE REQUEST SLIP

Name GARDNER, SAMUEL RUSSELL Quarters C-1-16B Date 1/5/07AIS # 107989

( ) Telephone Call ( ) Custody Change ( ) Personal Problem  
( ) Special Visit ( ) Time Sheet (✓) Other \_\_\_\_\_

Briefly Outline Your Request - Then Drop In Mail Box

DEAR WARDEN FORNISS - I SERVED 3YRS. IN ACTIVE COMBAT OVERSEAS. THE VETERANS ADMINISTRATION WILL PAY ME TEN PERCENT (10%) OF MY VA BENEFITS. BUT FIRST THEY REQUIRE A PHYSICAL EXAM AT THE LOCAL VA HOSPITAL. IF I FILL OUT THE VA PAPERS FOR THIS, DO YOU THINK YOU CAN ARRANGE FOR ME TO BE TRANSPORTED TO THE HOSPITAL, WHEN THEY SEND YOU A DATE FOR MY MEDICAL APPOINTMENT?

Sincerely,

Samuel Gardner

Do Not Write Below This Line - For Reply Only

I Can not authorized a trip to the U.A. you can only go when you are ordered by the courts.

GZ 1/18/07

Approved

Denied

Pay Phone

Collect Call

Request Directed To: (Check One)

( ) Warden ( ) Deputy Warden ( ) Captain  
( ) Classification Supervisor ( ) Legal Officer - Notary Public ( ) Record Office

N176

Exhibit A